

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Materialize, Inc.,

Plaintiff,

Case No. 21-12325

v.

Judith E. Levy

United States District Judge

Materialise, N.V. and Materialise
USA LLC,

Mag. Judge Curtis Ivy, Jr.

Defendants.

_____/

ORDER ADOPTING REPORT AND RECOMMENDATION [21]

Before the Court is Magistrate Judge Curtis Ivy, Jr.'s Report and Recommendation (ECF No. 21) recommending that the Court grant in part and deny in part Defendants Materialise, N.V. and Materialise USA LLC's motion to dismiss Plaintiff Materialize, Inc.'s complaint (ECF No. 12). The parties were required to file specific written objections, if any, within fourteen days of service. Fed. R. Civ. P. 72(b)(2); E.D. Mich. LR 72.1(d). No objections were filed. The Court has nevertheless carefully reviewed the Report and Recommendation and concurs in the reasoning and result. Accordingly,

The Report and Recommendation (ECF No. 21) is ADOPTED;

Defendants' motion to dismiss (ECF No. 12) is GRANTED IN PART AND DENIED IN PART. Specifically, the Court DISMISSES all claims against Defendant Materialise USA LLC and the dilution claim against Defendant Materialise, N.V. because it lacks subject matter jurisdiction over those claims. Plaintiff's claim for declaratory judgment of non-infringement against Defendant Materialise, N.V. remains in the case.¹

IT IS SO ORDERED.

Dated: May 5, 2022
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or first-class U.S. mail addresses disclosed on the Notice of Electronic Filing on May 5, 2022.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager

¹ By failing to object to the Report and Recommendation, the parties have forfeited any further right of appeal. See *United States v. Wandahsega*, 924 F.3d 868, 878 (6th Cir. 2019); see also *Berkshire v. Beauvais*, 928 F.3d 520, 530 (6th Cir. 2019).